

Kevin M. Todd, AICP

From: Jesse Pohlman
Sent: Friday, July 04, 2014 9:10 AM
To: Kevin M. Todd, AICP
Subject: Fwd: Ricker's Fuel Station

Jesse M. Pohlman | Senior Planner
Economic and Community Development Department
2728 East 171st Street, Westfield, Indiana
Main: (317) 804-3170 | Direct: (317) 402-4380

Begin forwarded message:

From: <CHRIS.LEGEAY@comcast.net>
Date: July 4, 2014 at 9:07:18 AM EDT
To: <jpohlman@westfield.in.gov>
Subject: Ricker's Fuel Station

Jesse

Hope this message finds you well. I'm the HOA representative from Brentwood Village who spoke with you after the informational meeting at Bridgewater on June 25th. During our conversation, I think you said you would make sure our concerns were shared with the Plan Commission, and I thank you for that.

Unfortunately, I'm not able to attend the Public Hearing this Monday, and am wondering if you could share a few additional comments with the Commission regarding the amendment to the PUD to allow them to open at 5 am:

- Ground for this fuel station has not been broken yet. Rickers hasn't even moved into the neighborhood yet, and they already want to change the rules.
- Why not move in, let the operation run for a year? Get to know us as neighbors, and let us get to know them. I know Travis from Rickers said they want to "train" people from the get-go that the store is open at 5 am. People can be re-trained. Besides, is this really worth upsetting your neighbors?
- Then in a year or so, after we've been able to observe your business and the traffic impacts, let's talk about changing the time you can open to 5 am.

As you can see, we just don't support the 5 am opening right now. I've still not heard any concerns about the extension of the canopy.

Thanks for your time,

Chris Legeay

Kevin M. Todd, AICP

From: Rob <rob@ginders.com>
Sent: Thursday, July 10, 2014 11:19 PM
To: APC; Matt Skelton
Cc: Barry Bobb; Donna Bobb; Brad and Bethann Buehler; Buehler, Brad; Bill Denhardt; Debbie Denhardt; Chris Spohr; Chris and Sara Spohr; pbacker@cccCarmel.org; backerca@gmail.com; Craig and Jennifer Lienhart; dfulling@comcast.net; Laurel Fulling; David Brose; Carol Brose; David Marrelo; Meghan Marelo; Greg Teague; Dawn Teague; Chet and Debbie Kos; Dennis Hech; Lindsey Hecht; Don and Roxie Brown; Heather Mullett; John Hudson - Work; John & Kelly Hudson; John McGrew; Emily McGrew; John Hill; Pat Hill; Jon Keller; Joshua Reed; Lauren Reed; Kim Beatty; Tom Beatty; Lane & Liene Tuttle; Lane Tuttle; lpettygr@gmail.com; Dan and Lisa Terhune; Manizha Ayoubi; Manizha Ayoubi; Marinelle Ford; Joe Ford; Michelle Robinson; Pamela Cintas; Brogan Baxter; Rachel Baxter; Randy Schneider; Rob Ginder; Chris Legeay; Sarah Legeay; Sarah Muntel; Mark Muntel; Sean Temoney; Stephe Blansette; Stacey Blansette; Stacey Swan; Sue Web; Steve and Tina Lakin; Tom Pendergast; Tom Pendergast - Work; Zakaria Joundi; Lori Joundi
Subject: Bridgewater PUD - Rickers Gas Station & Convenience Store

To Westfield Council Members and Matt Skelton:

My name is Rob Ginder and I am a resident of Brentwood Village subdivision located just east of the parcel that is being developed at the northeast corner of 146th Street and Carey Road (Bridgewater PUD). Faegre Baker Daniels held an informational meeting on Monday June 25th to discuss with residents an application that L & Q Reality, LLC recently filed with the Westfield Plan Commission regarding the Rickers Gas Station & Convenience Store planned for the site. The application is requesting two items. The first is to allow the proposed canopy over the gas pumps to extend over all of the approved pump islands. The second is to allow the store to open at 5:00 am instead of 6:00 am per the existing commitments.

Due to a prior commitment I was unable to attend the meeting but I want to take this opportunity to repress my concerns to the council members regarding these requests.

Regarding the canopy.

- My understanding based on the original PUD agreement was that all gas pumps were to be located away from perimeter or external streets. My understanding is that because of the way the lot is configured that the pumps now are going to be located on the east side of the main building, which puts it in view from 146th street. What I do not understand is how this can be done because this now violates the provisions of the original PUD. Unless there was an update or change to the PUD that I am not aware of then I am not sure how they can do this.
- I would want the canopy to cover all the pumps but I would like to see the original provisions of the PUD be enforced and the pumps face away from perimeter or external streets.

Regarding the change of time to allow them to open at 6:00am.

- Rickers apparently stated that opening at 5:00am is "critical to their business". If this was in fact "critical to their business", then why did Rickers agree to build on this site in the first place given the PUD restrictions? Rickers knew the hours that were stated in the PUD but still chose to commit to building on the site. Did Rickers believe all along that they would be able to get the Planning Commission to agree to this change in time?
- The Residents expressed their concerns regarding modifying the PUD to change the hours and that it would open the door for Rickers to eventually request the store be open 24x7. Rickers indicated "we have no intention of making the store 24/7." Rickers cited the cost of researching the impacts of a 24/7 store not

being worth the effort because they believe Westfield would not approve it. I do not believe Rickers when they say they will not pursue being open 24x7. I believe a majority of Rickers existing stores are open 24x7 so why would they want this one to be any different? I also believe Rickers has already done an impact study. Without one why would Rickers agreed to build on this site in the first place. I believe Rickers is well aware of the impact of the location and of the hours of operation.

- The restrictions that exist in the PUD were agreed on by the residents of Brentwood Village years ago when the PUD was established. This was to help relieve our concerns with crime, traffic, and reduced property values. The residents negotiated with Bridgewater and Steve Henke at that time in good faith. Allowing them to change this is not the right thing to do for the residents of Brentwood Village and surrounding neighborhoods.
- Although I do not have any documentation to support this, I believe the building of the Rickers as well as the 21st Amendment Liquor Store will hurt the property values of Brentwood Village and the surrounding neighborhoods. Allowing Rickers to extend the previous agreed upon hours cannot do anything to help improve these property values.

As I previously stated the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith over the past years to try as best we can to come up with a win/win situation regarding what was being built on this site and how things were being built. I feel that going back and changing previously negotiated items is a break of trust and a betrayal to the Brentwood Village residents by Bridgewater.

I would ask that the Westfield Advisory Plan Commission hold Rickers accountable for the original PUD agreement to face the pumps away from perimeter or external streets. I also ask that the Commission deny any request to extend the hours of the Rickers Gas Station & Convenience Store or any other establishment that wants to open prior to 6:00 am.

Thank you for your time and feel free to contact me with any questions.

Rob Ginder
3614 Eaglewood Ct
Carmel, IN 46033-8952
(317) 902-2818

Sent from home email account

Kevin M. Todd, AICP

From: Matt Skelton
Sent: Monday, July 14, 2014 9:42 AM
To: Kevin M. Todd, AICP
Cc: Jesse Pohlman
Subject: FW: Rickers Gas Station PUD Changes

FYI

From: Josh Reed [mailto:reed.josh.j@gmail.com]
Sent: Thursday, July 10, 2014 11:58 PM
To: Matt Skelton
Subject: Rickers Gas Station PUD Changes

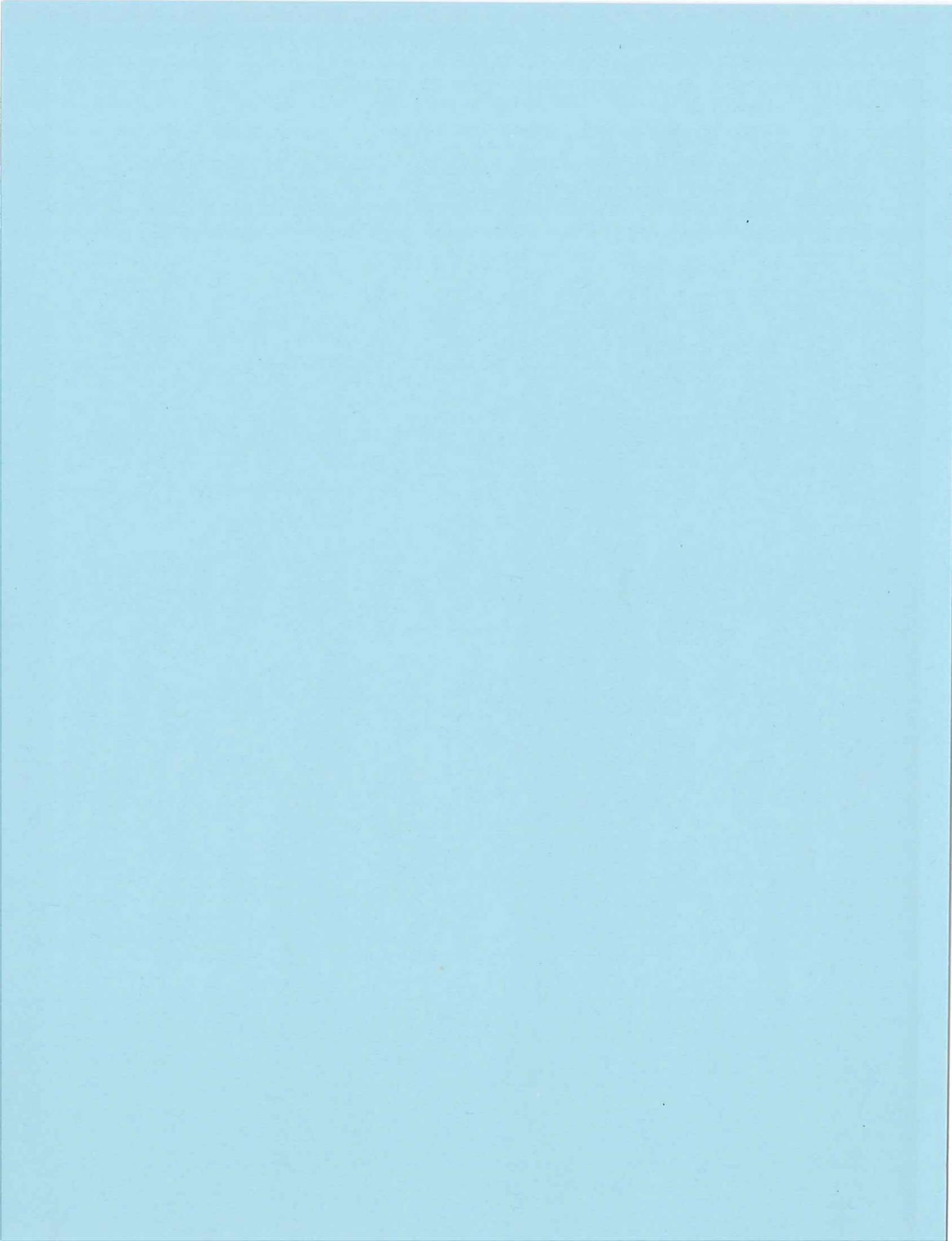
Hello Mr. Skelton,

My name is Josh Reed. My wife and I live in Brentwood Village, just on the other side of the divider wall from the new 21st Amendment Liquor Store. Due to the short notice, we were unable to make it to the meeting to discuss the proposed PUD changes for the new Rickers earlier this week, but we did want to pass along a quick note to let you know our thoughts.

We have no issues with the canopy changes. However, we strongly feel like the opening hours should not be pushed back to 5:00 am. These hours were set to limit the inconvenience for home owners living near these commercial buildings. I understand it would be better for business if Rickers could open an hour earlier, but they also knew the constraints when they purchased the property. I don't believe the nearby homeowners should suffer just because Rickers no longer likes the deal they signed up for.

Please consider the impact on the surrounding homeowners when making this decision. I appreciate your time in reading this, and please feel free to reach out if you would like any more information from me.

Thanks,
Josh



Kevin M. Todd, AICP

From: heather mullett <heathermullett@yahoo.com>
Sent: Monday, July 14, 2014 3:02 PM
To: APC; Matt Skelton
Subject: Bridgewater PUD - Rickers Gas Station & Convenience Store

To Westfield Council Members and Matt Skelton:

My name is Heather Mullett and I am a resident of Brentwood Village subdivision located just east of the parcel that is being developed at the northeast corner of 146th Street and Carey Road (Bridgewater PUD). Faegre Baker Daniels held an informational meeting on Monday June 25th to discuss with residents an application that L & Q Reality, LLC recently filed with the Westfield Plan Commission regarding the Rickers Gas Station & Convenience Store planned for the site. The application is requesting two items. The first is to allow the proposed canopy over the gas pumps to extend over all of the approved pump islands. The second is to allow the store to open at 5:00 am instead of 6:00 am per the existing commitments.

I was unable to attend the meeting but I want to take this opportunity to repress my concerns to the council members regarding these requests.

Regarding the canopy.

- My understanding based on the original PUD agreement was that all gas pumps were to be located away from perimeter or external streets. My understanding is that because of the way the lot is configured that the pumps now are going to be located on the east side of the main building, which puts it in view from 146th street. What I do not understand is how this can be done because this now violates the provisions of the original PUD. Unless there was an update or change to the PUD that I am not aware of then I am not sure how they can do this.
- I would want the canopy to cover all the pumps but I would like to see the original provisions of the PUD be enforced and the pumps face away from perimeter or external streets.

Regarding the change of time to allow them to open at 6:00am.

- Rickers apparently stated that opening at 5:00am is "critical to their business". If this was in fact "critical to their business", then why did Rickers agree to build on this site in the first place given the PUD restrictions? Rickers knew the hours that were stated in the PUD but still chose to commit to building on the site. Did Rickers believe all along that they would be able to get the Planning Commission to agree to this change in time?
- The Residents expressed their concerns regarding modifying the PUD to change the hours and that it would open the door for Rickers to eventually request the store be open 24x7. Rickers indicated "we have no intention of making the store 24/7." Rickers cited the cost of researching the impacts of a 24/7 store not being worth the effort because they believe Westfield would not approve it. I do not believe Rickers when they say they will not pursue being open 24x7. I believe a majority of Rickers existing stores are open 24x7 so why would they want this one to be any different? I also believe Rickers has already done an impact study. Without one why would Rickers agreed to build on this site in the first place. I believe Rickers is well aware of the impact of the location and of the hours of operation.
- The restrictions that exist in the PUD were agreed on by the residents of Brentwood Village years ago when the PUD was established. This was to help relieve our concerns with crime, traffic, and reduced property values. The residents negotiated with Bridgewater and Steve Henke at that time in good faith. Allowing them to change this is not the right thing to do for the residents of Brentwood Village and surrounding neighborhoods.
- Although I do not have any documentation to support this, I believe the building of the Rickers as well as the 21st Amendment Liquor Store will hurt the property values of Brentwood Village and the surrounding neighborhoods. Allowing Rickers to extend the previous agreed upon hours cannot do anything to help improve these property values.

As I previously stated the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith over the past years to try as best we can to come up with a win/win situation regarding what was being built on this site and how things were being built. I feel that going back and changing previously negotiated items is a break of trust and a betrayal to the Brentwood Village residents by Bridgewater.

I would ask that the Westfield Advisory Plan Commission hold Rickers accountable for the original PUD agreement to face the pumps away from perimeter or external streets. I also ask that the Commission deny any request to extend the hours of the Rickers Gas Station & Convenience Store or any other establishment that wants to open prior to 6:00 am.

Thank you for your time and feel free to contact me with any questions.

Heather Mullett
14616 Deerwood Dr
Carmel, IN 46033
317-319-6453

http://http://support.smiletrain.org/site/TR/AthleticsEvent/General?px=3526458&pg=personal&fr_id=1350

"Strength and dignity are her clothing and she smiles at the future." Proverbs 31:25

Kevin M. Todd, AICP

From: Christine Backer <backerca@gmail.com>
Sent: Tuesday, July 15, 2014 7:37 AM
To: APC; Matt Skelton
Subject: Fwd: Bridgewater PUD - Rickers Gas Station & Convenience Store

----- Forwarded message -----

From: Chris Backer backerca@gmail.com
Date: Tues, July 15, 2014
Subject: Bridgewater PUD - Rickers Gas Station & Convenience Store

To Westfield Council Members and Matt Skelton:

My name is Chris Backer and I am a resident of Brentwood Village subdivision located just east of the parcel that is being developed at the northeast corner of 146th Street and Carey Road (Bridgewater PUD). Faegre Baker Daniels held an informational meeting on Monday June 25th to discuss with residents an application that L & Q Reality, LLC recently filed with the Westfield Plan Commission regarding the Rickers Gas Station & Convenience Store planned for the site. The application is requesting two items. The first is to allow the proposed canopy over the gas pumps to extend over all of the approved pump islands. The second is to allow the store to open at 5:00 am instead of 6:00 am per the existing commitments.

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- Although I do not have any documentation to support this, I believe the building of the Rickers as well as the 21st Amendment Liquor Store will hurt the property values of Brentwood Village and the surrounding neighborhoods. Allowing Rickers to extend the previous agreed upon hours cannot do anything to help improve these property values.

As I previously stated the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith over the past years to try as best we can to come up with a win/win situation regarding what was being built on this site and how things were being built. I feel that going back and changing previously negotiated items is a break of trust and a betrayal to the Brentwood Village residents by Bridgewater.

I would ask that the Westfield Advisory Plan Commission hold Rickers accountable for the original PUD agreement to face the pumps away from perimeter or external streets. I also ask that the Commission deny any request to extend the hours of the Rickers Gas Station & Convenience Store or any other establishment that wants to open prior to 6:00 am.

Thank you for your time and feel free to contact me with any questions.

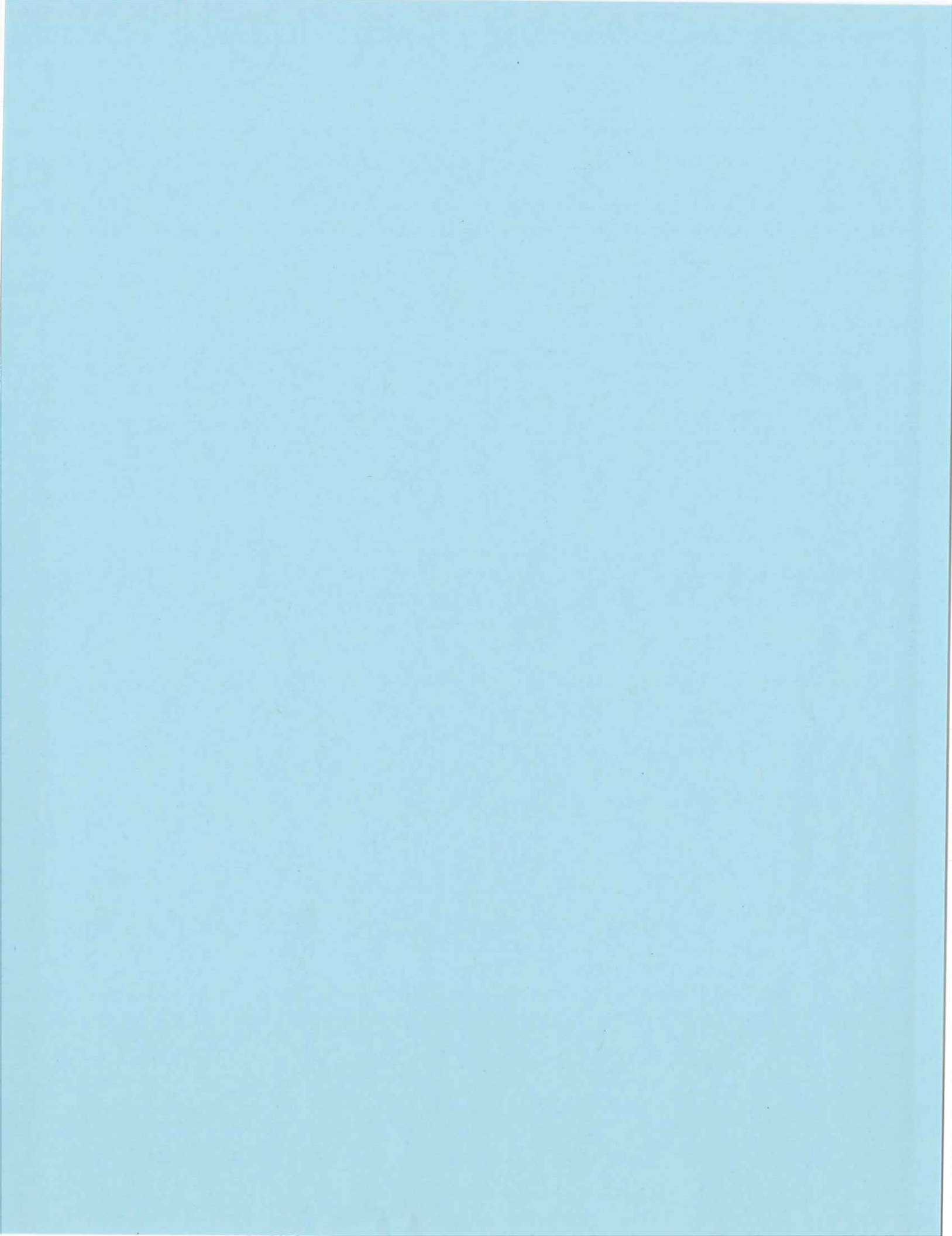
Chris Backer

14804 Deerwood Dr

Carmel, IN 46033-8952

(317) 902-2818

Sent from home email account



Kevin M. Todd, AICP

From: Rob <rob@ginders.com>
Sent: Friday, July 25, 2014 11:07 PM
To: APC; Matt Skelton; Kevin M. Todd, AICP; Council Members; Jim Ake; Steve Hoover; Robert Horkay; Chuck Lehman; Bob Smith; Cindy Spoljaric; acotham@westfield.in; Rob Stokes; Cindy Olson; Andy Cook
Cc: Barry Bobb; Donna Bobb; Brad and Bethann Buehler; Buehler, Brad; Bill Denhardt; Debbie Denhardt; Chris Spohr; Chris and Sara Spohr; pbacker@cccCarmel.org; backerca@gmail.com; Craig and Jennifer Lienhart; dfulling@comcast.net; Laurel Fulling; David Brose; Carol Brose; David Marrelo; Greg Teague; Dawn Teague; Chet and Debbie Kos; Dennis Hech; Lindsey Hecht; Don and Roxie Brown; Heather Mullett; John Hudson - Work; John & Kelly Hudson; John McGrew; Emily McGrew; John Hill; Pat Hill; Jon Keller; Joshua Reed; Lauren Reed; Kim Beatty; Tom Beatty; Lane & Liene Tuttle; Lane Tuttle; lpettygr@gmail.com; Dan and Lisa Terhune; Manizha Ayoubi; Manizha Ayoubi; Marinelle Ford; Joe Ford; Michelle Robinson; Pamela Cintas; Brogan Baxter; Rachel Baxter; Randy Schneider; Chris Legeay; Sarah Legeay; Sarah Muntel; Mark Muntel; Sean Temoney; Stephe Blansette; Stacey Blansette; Stacey Swan; Sue Web; Steve and Tina Lakin; Tom Pendergast; Tom Pendergast - Work; Zakaria Joundi; Lori Joundi; David and Meghan Marrello
Subject: RE: Bridgewater PUD - Rickers Gas Station & Convenience Store

Dear Westfield Advisory Plan Commission, Mayor Andy Cook, City Council Members, Matt Skelton, and Kevin Todd:

My name is Rob Ginder and I am a resident of Brentwood Village subdivision located just east of the parcel that is being developed at the northeast corner of 146th Street and Carey Road (Bridgewater PUD). I was out of town on Monday July 21st and unable to attend the Westfield Advisory Plan Commission (WAPC) meeting. I see from the meeting agenda I found on City of Westfield web site that L & Q Realty, LLC by Faegre Baker & Daniels presented and requested modifications to the zoning commitments associated with Ordinance 06-49. This basically was to request that Rickers Gas Station be allowed to extend the canopy over all of the gas pumps and to allow them to open at 5am instead of 6am. Since I was not able to attend the meeting I would like to take this opportunity to express my thoughts and concerns on the construction of Rickers and the requested PUD changes.

Construction of the Rickers Gas Station & Convenience store has already started on the development site at 146th and Carey Road. It would appear that what would be considered the front entrance of the store is facing east and that the gas pumps are being located on the east side of the structure which put them in clear view from 146th street. I had originally thought this violated the PUD restriction that "all gas pumps shall be located away from perimeter or external streets". I now realize that Rickers was allow to use Carey Road as the determining road that the pumps were located away from and not 146th street. This was not the intent when Brentwood Village worked with Bridgewater to put this wording into the PUD. As I stated in the attached email the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith to try as best we could to come up with a win/win situation regarding what was being built on this site and how things were being built. Common sense would dictate that the busier of the two streets (146th and Carey Road) should have been used as the determining factor as the intent was to hide the gas pumps from general view. It appears that Rickers was allowed to use whichever road benefited them as the determining factor. Allowing them to use Carey Road as the determining street goes against what Brentwood Village and other neighborhoods negotiated. I am at a loss as to why Rickers was allowed to use the much less busy Carey Road for this interpretation. Who would have allowed and gave Rickers approval to use this interpretation?

Regarding the actual zoning change requests.

- I am in favor of extending the canopy over all of the pumps, especially considering the way the pumps are now facing. I would ask the WAPC to approve this. I think this will improve the appearance and hopefully prevent Brentwood Village property values from being adversely affected any more than the Gas Station & Convenience Store has already affected them. Had Rickers been required to use 146th street as the determining road as was originally intended then this amendment would not have been necessary. I would still ask who was the person that approved them to use Carey Road as the determining road to face the pumps away from and what the rationale was for allowing this.
- I am vehemently opposed to allowing Rickers to open at 5am instead of the PUD agreed on time of 6am and would ask the WAPC to deny this request. I will refer to my attached email for all the reasons that I oppose this.

Thank you for your time and consideration.

Rob Ginder
(317) 902-2818
rob@ginders.com

Sent from home email account

From: Rob [mailto:rob@ginders.com]
Sent: Thursday, July 10, 2014 11:19 PM
To: 'apc@westfield.in.gov'; 'mskelton@westfield.in.gov'
Cc: Barry Bobb (barrybobb@aol.com); Donna Bobb (bobb donna@yahoo.com); Brad and Bethann Buehler (the.buehlers@sbcglobal.net); Buehler, Brad; Bill Denhardt (bdenhardt@hntb.com); Debbie Denhardt (debbielynnxx@yahoo.com); Chris Spohr (cspohr942@yahoo.com); Chris and Sara Spohr (cook252@yahoo.com); pbacker@cccCarmel.org; backerca@gmail.com; Craig and Jennifer Lienhart (cjlienhart@comcast.net); Dan Fulling (dfulling@comcast.net; Laurel Fulling (laurel-a@comcast.net); David Brose (dbrose_1982@hotmail.com); Carol Brose (cbrose83@gmail.com); David Marrelo (davidmarrelo811@hotmail.com); Meghan Marelo (mcmarelo@gmail.com); Greg Teague (teague_greg@comcast.net); Dawn Teague (teague_dawn@comcast.net); Chet and Debbie Kos (linen4004@aol.com); Dennis Hech (hechtden@gmail.com); Lindsey Hecht (Hecht.lindsey@gmail.com); Don and Roxie Brown (dl.brown66@yahoo.com); Heather Mullett (heathermullett@yahoo.com); John Hudson - Work (JHudson@AndyMohr.com); John & Kelly Hudson (peekabootie@aol.com); John McGrew; Emily McGrew; John Hill (jhill.hillengineer@att.net); Pat Hill (phill.hillengineer@att.net); Jon Keller (ping0605@aol.com); Joshua Reed (reed.josh.j@gmail.com); Lauren Reed (lep67872@yahoo.com); Kim Beatty (kim@beatty.me); Tom Beatty (tombeatty@aol.com); Lane & Liene Tuttle (ltuttles96@gmail.com); Lane Tuttle (lane.tuttle@gmail.com); lpettygr@gmail.com; Dan and Lisa Terhune (ldterhune@comcast.net); Manizha Ayoubi (manizha_ayoubi@baxter.com); Manizha Ayoubi (manizhaayoubi@yahoo.com); Marinelle Ford (marinelleford@comcast.net); Joe Ford (josephfford@comcast.net); Michelle Robinson (mrs4128@yahoo.com); Pamela Cintas (apeja@aol.com); Brogan Baxter (broganbaxter@hotmail.com); Rachel Baxter (segerka1@hotmail.com); Randy Schneider (rlschnei@gmail.com); Rob Ginder (rob@ginders.com); Chris Legeay (chris.legeay@comcast.net); Sarah Legeay (hawaii1042@yahoo.com); Sarah Muntel (smuntel@yahoo.com); Mark Muntel (mmuntel@gmail.com); Sean Temoney (sean.f.temoney@gmail.com); Stephe Blansette (stephe@isehome.com); Stacey Blansette (stacey@stephe.com); Stacey Swan (Stacey_swan@comcast.net); Sue Web (swebb@exhs.com); Steve and Tina Lakin (lakins@att.net); Tom Pendergast (Tpendo@sbcglobal.net); Tom Pendergast - Work (tom.pendergast@roche.com); Zakaria Joundi (zjoundi@gmail.com); Lori Joundi (lajoundi@gmail.com)
Subject: Bridgewater PUD - Rickers Gas Station & Convenience Store

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proposed canopy over the gas pumps to extend over all of the approved pump islands. The second is to allow the store to open at 5:00 am instead of 6:00 am per the existing commitments.

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Regarding the canopy.

- My understanding based on the original PUD agreement was that all gas pumps were to be located away from perimeter or external streets. My understanding is that because of the way the lot is configured that the pumps now are going to be located on the east side of the main building, which puts it in view from 146th street. What I do not understand is how this can be done because this now violates the provisions of the original PUD. Unless there was an update or change to the PUD that I am not aware of then I am not sure how they can do this.
- I would want the canopy to cover all the pumps but I would like to see the original provisions of the PUD be enforced and the pumps face away from perimeter or external streets.

Regarding the change of time to allow them to open at 6:00am.

- Rickers apparently stated that opening at 5:00am is "critical to their business". If this was in fact "critical to their business", then why did Rickers agree to build on this site in the first place given the PUD restrictions? Rickers knew the hours that were stated in the PUD but still chose to commit to building on the site. Did Rickers believe all along that they would be able to get the Planning Commission to agree to this change in time?
- The Residents expressed their concerns regarding modifying the PUD to change the hours and that it would open the door for Rickers to eventually request the store be open 24x7. Rickers indicated "we have no intention of making the store 24/7." Rickers cited the cost of researching the impacts of a 24/7 store not being worth the effort because they believe Westfield would not approve it. I do not believe Rickers when they say they will not pursue being open 24x7. I believe a majority of Rickers existing stores are open 24x7 so why would they want this one to be any different? I also believe Rickers has already done an impact study. Without one why would Rickers agreed to build on this site in the first place. I believe Rickers is well aware of the impact of the location and of the hours of operation.
- The restrictions that exist in the PUD were agreed on by the residents of Brentwood Village years ago when the PUD was established. This was to help relieve our concerns with crime, traffic, and reduced property values. The residents negotiated with Bridgewater and Steve Henke at that time in good faith. Allowing them to change this is not the right thing to do for the residents of Brentwood Village and surrounding neighborhoods.
- Although I do not have any documentation to support this, I believe the building of the Rickers as well as the 21st Amendment Liquor Store will hurt the property values of Brentwood Village and the surrounding neighborhoods. Allowing Rickers to extend the previous agreed upon hours cannot do anything to help improve these property values.

As I previously stated the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith over the past years to try as best we can to come up with a win/win situation regarding what was being built on this site and how things were being built. I feel that going back and changing previously negotiated items is a break of trust and a betrayal to the Brentwood Village residents by Bridgewater.

I would ask that the Westfield Advisory Plan Commission hold Rickers accountable for the original PUD agreement to face the pumps away from perimeter or external streets. I also ask that the Commission deny any request to extend the hours of the Rickers Gas Station & Convenience Store or any other establishment that wants to open prior to 6:00 am.

Thank you for your time and feel free to contact me with any questions.

Rob Ginder
3614 Eaglewood Ct

Carmel, IN 46033-8952
(317) 902-2818

Sent from home email account

Kevin M. Todd, AICP

From: Christine Backer <backerca@gmail.com>
Sent: Monday, July 28, 2014 7:58 AM
To: APC; Matt Skelton; Kevin M. Todd, AICP; Council Members; Jim Ake; Steve Hoover; Robert Horkay; Chuck Lehman; Bob Smith; Cindy Spoljaric; acotham@westfield.in; Rob Stokes; Cindy Olson; Andy Cook
Subject: Fwd: Bridgewater PUD - Rickers Gas Station & Convenience Store

Dear Westfield Advisory Plan Commission, Mayor Andy Cook, City Council Members, Matt Skelton, and Kevin Todd:

I am a home owner in the Brentwood Village subdivision, 14804 Deerwood Dr. I am surprised to see construction going on at the Ricker's site. My understanding is they were still in the process of getting approval from you... How does this work?

Please know I agree with Rob's email below and request you consider our requests according to the PUD as it was intended.

Thanks,
Chris Backer
backerca@gmail.com

----- Forwarded message -----

From: Rob <rob@ginders.com>
Date: Fri, Jul 25, 2014 at 11:07 PM
Subject: RE: Bridgewater PUD - Rickers Gas Station & Convenience Store
To: apc@westfield.in.gov, mskelton@westfield.in.gov, ktodd@westfield.in.gov, councilmembers@westfield.in.gov, jake@westfield.in.gov, shoover@westfield.in.gov, rhorkay@westfield.in.gov, clehman@westfield.in.gov, bsmith@westfield.in.gov, cspoljaric@westfield.in.gov, acotham@westfield.in, rstokes@westfield.in.gov, colson@westfield.in.gov, acook@westfield.in.gov

Dear Westfield Advisory Plan Commission, Mayor Andy Cook, City Council Members, Matt Skelton, and Kevin Todd:

My name is Rob Ginder and I am a resident of Brentwood Village subdivision located just east of the parcel that is being developed at the northeast corner of 146th Street and Carey Road (Bridgewater PUD). I was out of town on Monday July 21st and unable to attend the Westfield Advisory Plan Commission (WAPC) meeting. I see from the meeting agenda I found on City of Westfield web site that L & Q Realty, LLC by Faegre Baker & Daniels presented and requested modifications to the zoning commitments associated with Ordinance 06-49. This basically was to request that Rickers Gas Station be allowed to extend the canopy over all of the gas pumps and to allow them to open at

5am instead of 6am. Since I was not able to attend the meeting I would like to take this opportunity to express my thoughts and concerns on the construction of Rickers and the requested PUD changes.

Construction of the Rickers Gas Station & Convenience store has already started on the development site at 146th and Carey Road. It would appear that what would be considered the front entrance of the store is facing east and that the gas pumps are being located on the east side of the structure which put them in clear view from 146th street. I had originally thought this violated the PUD restriction that "all gas pumps shall be located away from perimeter or external streets". I now realize that Rickers was allow to use Carey Road as the determining road that the pumps were located away from and not 146th street. This was not the intent when Brentwood Village worked with Bridgewater to put this wording into the PUD. As I stated in the attached email the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith to try as best we could to come up with a win/win situation regarding what was being built on this site and how things were being built. Common sense would dictate that the busier of the two streets (146th and Carey Road) should have been used as the determining factor as the intent was to hide the gas pumps from general view. It appears that Rickers was allowed to use whichever road benefited them as the determining factor. Allowing them to use Carey Road as the determining street goes against what Brentwood Village and other neighborhoods negotiated. I am at a loss as to why Rickers was allowed to use the much less busy Carey Road for this interpretation. Who would have allowed and gave Rickers approval to use this interpretation?

Regarding the actual zoning change requests.

- I am in favor of extending the canopy over all of the pumps, especially considering the way the pumps are now facing. I would ask the WAPC to approve this. I think this will improve the appearance and hopefully prevent Brentwood Village property values from being adversely affected any more than the Gas Station & Convenience Store has already affected them. Had Rickers been required to use 146th street as the determining road as was originally intended then this amendment would not have been necessary. I would still ask who was the person that approved them to use Carey Road as the determining road to face the pumps away from and what the rational was for allowing this.
- I am vehemently opposed to allowing Rickers to open at 5am instead of the PUD agreed on time of 6am and would ask the WAPC to deny this request. I will refer to my attached email for all the reasons that I oppose this.

Thank you for your time and consideration.

Rob Ginder

(317) 902-2818

rob@ginders.com

Sent from home email account

From: Rob [mailto:rob@ginders.com]
Sent: Thursday, July 10, 2014 11:19 PM
To: 'apc@westfield.in.gov'; 'mskelton@westfield.in.gov'
Cc: Barry Bobb (barrybobb@aol.com); Donna Bobb (bobbdonna@yahoo.com); Brad and Bethann Buehler (the.buehlers@sbcglobal.net); Buehler, Brad; Bill Denhardt (bdenhardt@hntb.com); Debbie Denhardt (debbielynnxx@yahoo.com); Chris Spohr (cspohr942@yahoo.com); Chris and Sara Spohr (cook252@yahoo.com); pbacker@cccCarmel.org; backerca@gmail.com; Craig and Jennifer Lienhart (cjlienhart@comcast.net); Dan Fulling (dfulling@comcast.net); Laurel Fulling (laurel-a@comcast.net); David Brose (dbrose_1982@hotmail.com); Carol Brose (cbrose83@gmail.com); David Marrello (davidmarrello811@hotmail.com); Meghan Marello (mcmarello@gmail.com); Greg Teague (teague_greg@comcast.net); Dawn Teague (teague_dawn@comcast.net); Chet and Debbie Kos (linen4004@aol.com); Dennis Hech (hechtden@gmail.com); Lindsey Hecht (Hecht.lindsey@gmail.com); Don and Roxie Brown (dl.brown66@yahoo.com); Heather Mullett (heathermullett@yahoo.com); John Hudson - Work (JHudson@AndyMohr.com); John & Kelly Hudson (peekabootie@aol.com); John McGrew; Emily McGrew; John Hill (jhill.hillengineer@att.net); Pat Hill (phill.hillengineer@att.net); Jon Keller (ping0605@aol.com); Joshua Reed (reed.josh.j@gmail.com); Lauren Reed (lep67872@yahoo.com); Kim Beatty (kim@beatty.me); Tom Beatty (tombeatty@aol.com); Lane & Liene Tuttle (ltuttles96@gmail.com); Lane Tuttle (lane.tuttle@gmail.com); lpettygr@gmail.com; Dan and Lisa Terhune (ldterhune@comcast.net); Manizha Ayoubi (manizha_ayoubi@baxter.com); Manizha Ayoubi (manizhaayoubi@yahoo.com); Marinelle Ford (marinelleford@comcast.net); Joe Ford (josephfford@comcast.net); Michelle Robinson (mrs4128@yahoo.com); Pamela Cintas (apeja@aol.com); Brogan Baxter (broganbaxter@hotmail.com); Rachel Baxter (segerka1@hotmail.com); Randy Schneider (rlschnei@gmail.com); Rob Ginder (rob@ginders.com); Chris Legeay (chris.legeay@comcast.net); Sarah Legeay (hawaii1042@yahoo.com); Sarah Muntel (smuntel@yahoo.com); Mark Muntel (mmuntel@gmail.com); Sean Temoney (sean.f.temoney@gmail.com); Stephe Blansette (stephe@isehome.com); Stacey Blansette (stacey@stephe.com); Stacey Swan (Stacey.swan@comcast.net); Sue Web (swebb@exhs.com); Steve and Tina Lakin (lakins@att.net); Tom Pendergast (Tpendo@sbcglobal.net); Tom Pendergast - Work (tom.pendergast@roche.com); Zakaria Joundi (zjoundi@gmail.com); Lori Joundi (lajoundi@gmail.com)
Subject: Bridgewater PUD - Rickers Gas Station & Convenience Store

To Westfield Council Members and Matt Skelton:

My name is Rob Ginder and I am a resident of Brentwood Village subdivision located just east of the parcel that is being developed at the northeast corner of 146th Street and Carey Road (Bridgewater PUD). Faegre Baker Daniels held an informational meeting on Monday June 25th to discuss with residents an application that L & Q Reality, LLC recently filed with the Westfield Plan Commission regarding the Rickers Gas Station & Convenience Store planned for the site. The application is requesting two items. The first is to allow the proposed canopy over the gas pumps to extend over all of the approved pump islands. The second is to allow the store to open at 5:00 am instead of 6:00 am per the existing commitments.

Due to a prior commitment I was unable to attend the meeting but I want to take this opportunity to repress my concerns to the council members regarding these requests.

Regarding the canopy.

- My understanding based on the original PUD agreement was that all gas pumps were to be located away from perimeter or external streets. My understanding is that because of the way the lot is configured that the pumps now are going to be located on the east side of the main building, which puts it in view from 146th street. What I do not understand is how this can be done because this now violates the provisions of the original PUD. Unless there was an update or change to the PUD that I am not aware of then I am not sure how they can do this.
- I would want the canopy to cover all the pumps but I would like to see the original provisions of the PUD be enforced and the pumps face away from perimeter or external streets.

Regarding the change of time to allow them to open at 6:00am.

- Rickers apparently stated that opening at 5:00am is "critical to their business". If this was in fact "critical to their business", then why did Rickers agree to build on this site in the first place given the PUD restrictions? Rickers knew the hours that were stated in the PUD but still chose to commit to building on the site. Did Rickers believe all along that they would be able to get the Planning Commission to agree to this change in time?
- The Residents expressed their concerns regarding modifying the PUD to change the hours and that it would open the door for Rickers to eventually request the store be open 24x7. Rickers indicated "we have no intention of making the store 24/7." Rickers cited the cost of researching the impacts of a 24/7 store not being worth the effort because they believe Westfield would not approve it. I do not believe Rickers when they say they will not pursue being open 24x7. I believe a majority of Rickers existing stores are open 24x7 so why would they want this one to be any different? I also believe Rickers has already done an impact study. Without one why would Rickers agreed to build on this site in the first place. I believe Rickers is well aware of the impact of the location and of the hours of operation.
- The restrictions that exist in the PUD were agreed on by the residents of Brentwood Village years ago when the PUD was established. This was to help relieve our concerns with crime, traffic, and reduced property values. The residents negotiated with Bridgewater and Steve Henke at that time in good faith. Allowing them to change this is not the right thing to do for the residents of Brentwood Village and surrounding neighborhoods.
- Although I do not have any documentation to support this, I believe the building of the Rickers as well as the 21st Amendment Liquor Store will hurt the property values of Brentwood Village and the surrounding neighborhoods. Allowing Rickers to extend the previous agreed upon hours cannot do anything to help improve these property values.

As I previously stated the residents of Brentwood Village as well as other surrounding neighborhoods negotiated with Bridgewater in good faith over the past years to try as best we can to come up with a win/win situation regarding what was being built on this site and how things were being built. I feel

that going back and changing previously negotiated items is a break of trust and a betrayal to the Brentwood Village residents by Bridgewater.

I would ask that the Westfield Advisory Plan Commission hold Rickers accountable for the original PUD agreement to face the pumps away from perimeter or external streets. I also ask that the Commission deny any request to extend the hours of the Rickers Gas Station & Convenience Store or any other establishment that wants to open prior to 6:00 am.

Thank you for your time and feel free to contact me with any questions.

Rob Ginder

3614 Eaglewood Ct

Carmel, IN 46033-8952

(317) 902-2818

Sent from home email account